

Table 5: TSCA Framework for Regulating PCBs

Allowable USES / ACTIVITIES <i>Criteria:</i> all PCB uses or activities are banned unless they fit into one of these categories	DISPOSAL / STORAGE <i>Criteria:</i> date, purpose, pollutant form, intent of storage	SPILL CLEANUP POLICY <i>Criteria:</i> location of spill, quantity, concentration released, date	RECORDKEEPING <i>Criteria:</i> what you use or store
<p>"Totally enclosed" <i>"ensures that exposure of human beings or the environment to PCBs as a result of the activity will be insignificant" (TSCA §6(e))</i></p> <p>Authorized uses (non-enclosed) · uses listed in 40CFR 761.30 -- do not present "unreasonable risk"</p> <p>Exemptions (via petition) · companies must petition for specific use/activity · granted up to one year; may be renewed</p> <p>No authorization or exemption required for:</p> <p>Inadvertent generation · by-product of excluded manufacturing process (5 parts to definition)</p> <p>Excluded products (<50ppm)</p> <p>Recycled PCBs (PCBs in processing of paper products or asphalt roofing materials)</p> <p>Applying sewage sludge <50ppm PCBs</p>	<p>Past disposal (prior to 1978) · exempt unless removed from disposal site or >50 ppm is found in a non-disposal site</p> <p>POLLUTANT FORM determines Type of disposal permitted · incineration, chemical waste landfill, or alternative (separate conditions for each) · may become acute waste under RCRA if disposal facilities unavailable · commercial storage and disposal facilities must be approved</p> <p>"In storage for disposal" · store for up to one year before disposal · PCB mixtures >50ppm · marking, recordkeeping, inspection requirements · requirements for storage facilities</p> <p>Issues: · High disposal costs may inhibit disposal · Storage for "reuse" may avoid 1-year storage limit · Many items unregulated for disposal</p>	<p>Spills > 50ppm</p> <p>Cleanup standards: · Numeric standards for spills >1987 (except into certain areas like surface water, grazing lands)</p> <p>· Site-specific standards (EPA Regional Office discretion) for spills <1987, and into certain areas (surface water, etc.)</p> <p>Reporting requirements (based on spill classification)</p> <p>Spill Classification: · Low concentration <500ppm and <1lb · High concentration >500ppm or low conc. >1lb or >270 gal untested mineral oil</p> <p>Disposal requirements for spill cleanup debris</p>	<p>Annual Recordkeeping Requirements for the facilities that use or store::</p> <ul style="list-style-type: none"> · >45kg PCBs in PCB containers · One or more PCB transformers · 50 or more PCB large high or low voltage capacitors <p>Reporting and recordkeeping requirements for commercial storage and disposal facilities :</p> <p>Annual records/reports · Disposal companies, transporters, commercial storers, and generators of PCB waste · waste in/waste out must be tracked</p> <p>Notification and Manifesting Rule tracking system for PCB wastes (since 1990)</p> <p>Enforcement Violations carry \$25,000/violation penalty (actual average \$25,000/action)</p>